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DECLARATION AND POWER OF ATTORNEY

FRANZ FORSTER declares:

I am a citizen of Germany and a resident of Karlstadt-Mühlbach, Germany, whose mailing address is Stadelhofer Str. 10, 97753 Karlstadt-Mühlbach, Germany.

I believe myself to be the original, first and sole inventor of the improvement in a HYDROSTATIC AXIAL PISTON MACHINE WITH A SWASHPLATE DESIGN described and claimed in the patent application which was filed in the United States Patent and Trademark Office on November 2, 2001, bearing Serial No. 10/002,964.

I have reviewed and understand the contents of the specification, including the claims.

I do not know and do not believe that the same was ever known or used in the United States before my invention thereof; or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application; or in public use or on sale in the United States more than one year prior to this application.

Said invention has not been patented or been made the subject of an inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to this application.

I acknowledge my duty to disclose information of which I am aware which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

That applications for patent or inventor's certificate on said invention have been filed by me or my legal representatives or assigns in countries foreign to the United States of which the earliest country is Germany, Application Number 100 55 261.7, filed November 8, 2000, and priority of said foreign application is claimed under Title 35, United States Code, §119.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint William H. Logsdon, Registration No. 22,132; Russell D. Orkin, Registration No. 25,363; David C. Hanson, Registration No. 23,024; Richard L. Byrne, Registration No. 28,498; Frederick B. Ziesenheim, Registration No. 19,438; Kent E. Baldauf, Registration No. 25,826; Barbara E. Johnson, Registration No. 31,198; Paul M. Reznick, Registration No. 33,059; John W. McIlvaine, Registration No. 34,219; Blynn L. Shideler, Registration No. 35,034; Julie W. Meder, Registration No. 36,216; Lester N. Fortney, Registration No. 38,141; Randall A. Notzen, Registration No. 36,882; James G. Porcelli,

Registration No. 33,757; Kent E. Baldauf, Jr., Registration No. 36,082; Thomas J. Clinton, Registration No. 40,561; Nathan J. Prepelka, Registration No. 43,016; Jessica M. Sosenko, Registration No. 47,102; Kirk M. Miles, Registration No. 37,891; and J. Matthew Pritchard, Registration No. 46,228, whose mailing address is 700 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219-1818, Telephone No. 412-471-8815, my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, to amend the specification, to appeal in case of rejection, as they may deem advisable, to receive the patent when granted and generally to do all matters and things needful in the premises, as fully and to all intents and purposes as I could do.

All correspondence and telephone calls should be addressed to William H. Logsdon.

I pray that Letters Patent of the United States of America be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney and petition.

Date

18. Jan 02

Inventor


FRANZ FORSTER